



February 19, 2014

ENGROSSED HOUSE BILL No. 1217

DIGEST OF HB 1217 (Updated February 17, 2014 9:46 am - DI 84)

Citations Affected: IC 15-12.

Synopsis: Single contact point for wetland work permits. Single contact point for wetland work permits. Requires the department of natural resources (DNR) and the department of environmental management (IDEM) to develop and implement a program under which the agencies will jointly accept and process applications for: (1) water quality certifications from IDEM under Section 401 of the federal Clean Water Act, (2) permits from IDEM for wetland activity in a state regulated wetland, and (3) permits from the director of the DNR for a structure, obstruction, deposit, or excavation in a floodway. Authorizes the adoption of rules.

Effective: July 1, 2014.

Davisson, Lehe

(SENATE SPONSOR — YODER)

January 15, 2014, read first time and referred to Committee on Environmental Affairs.
January 23, 2014, reported — Do Pass.
January 27, 2014, read second time, amended, ordered engrossed.
January 28, 2014, engrossed. Read third time, passed. Yeas 92, nays 0.

SENATE ACTION

February 4, 2014, read first time and referred to Committee on Environmental Affairs.
February 18, 2014, reported favorably — Do Pass.

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February 19, 2014

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1217

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 15-12-6 IS ADDED TO THE INDIANA CODE AS
- 2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2014]:
- 4 **Chapter 6. Single Point of Contact for Wetland Work Permits**
- 5 **Sec. 1. The following definitions apply throughout this chapter:**
- 6 (1) "Agency" refers to:
- 7 (A) the department of natural resources; or
- 8 (B) the department of environmental management.
- 9 (2) "Agencies" refers to:
- 10 (A) the department of natural resources; and
- 11 (B) the department of environmental management.
- 12 (3) "Appropriate office" means, with respect to a particular
- 13 applicant, the office within the department of natural
- 14 resources or the department of environmental management
- 15 that is the office designated to receive applications for the type
- 16 of permit needed by the applicant, based upon the wetland

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work proposed by the applicant, as disclosed in the applicant's application.

(4) "Permit" means any of the following:

(A) A water quality certification from the department of environmental management under IC 13-13-5-1(1) and Section 401 of the federal Clean Water Act (33 U.S.C. 1341).

(B) A permit from the department of environmental management for wetland activity in a state regulated wetland under IC 13-18-22.

(C) A permit from the director of the department of natural resources for a structure, obstruction, deposit, or excavation in a floodway under IC 14-28-1.

(5) "Wetland work" means the removal of an obstruction or similar work in or near a stream or in a wetland area for which a permit might be required.

Sec. 2. The department of natural resources and the department of environmental management shall, not later than January 1, 2015, develop and implement a program under which the agencies will jointly accept and process applications for:

(1) water quality certifications from the department of environmental management under IC 13-13-5-1(1) and Section 401 of the federal Clean Water Act (33 U.S.C. 1341);

(2) permits from the department of environmental management for wetland activity in a state regulated wetland under IC 13-18-22; and

(3) permits from the director of the department of natural resources for a structure, obstruction, deposit, or excavation in a floodway under IC 14-28-1.

Sec. 3. In establishing the program required under section 2 of this chapter, the agencies shall do the following:

(1) Determine:

(A) how to inform a person who proposes to perform wetland work of the need to seek a permit for the wetland work; and

(B) how to ensure that a person proposing to perform wetland work is informed of every permit the person needs in order to do the wetland work.

(2) Change the:

(A) application forms; and

(B) application processes;

used by the agencies for purposes of permits as necessary to



1 ensure that a person proposing to perform wetland work is
 2 not required to provide the same information separately to
 3 both agencies.

4 (3) Determine how one (1) agency will serve as the single point
 5 of contact for applicants for purposes of:

6 (A) distributing and receiving permit applications;

7 (B) obtaining information needed to complete the
 8 processing of permit applications; and

9 (C) issuing permits.

10 (4) Create an internal process to ensure that the appropriate
 11 office within each agency receives and timely reviews each
 12 permit application.

13 (5) Ensure that the processing of each permit application is
 14 monitored.

15 Sec. 4. (a) The environmental rules board established by
 16 IC 13-13-8-3 may adopt rules under IC 4-22-2 and IC 13-14-9
 17 concerning the implementation of this chapter by the department
 18 of environmental management.

19 (b) The department of natural resources may adopt rules under
 20 IC 4-22-2 concerning the implementation of this chapter by the
 21 department of natural resources.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1217, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1217 as introduced.)

Committee Vote: Yeas 9, Nays 2

Representative Wolkins

HOUSE MOTION

Mr. Speaker: I move that House Bill 1217 be amended to read as follows:

Page 1, between lines 5 and 6, begin a new line block indented and insert:

"(1) "Agency" refers to:

(A) the department of natural resources; or

(B) the department of environmental management.

(2) "Agencies" refers to:

(A) the department of natural resources; and

(B) the department of environmental management."

Page 1, line 6, delete "(1)" and insert "(3)".

Page 1, line 13, delete "(2)" and insert "(4)".

Page 2, line 8, delete "(3)" and insert "(5)".

Page 2, delete lines 11 through 42, begin a new paragraph and insert:

"Sec. 2. The department of natural resources and the department of environmental management shall, not later than January 1, 2015, develop and implement a program under which the agencies will jointly accept and process applications for:

(1) water quality certifications from the department of environmental management under IC 13-13-5-1(1) and Section 401 of the federal Clean Water Act (33 U.S.C. 1341);

(2) permits from the department of environmental management for wetland activity in a state regulated wetland under IC 13-18-22; and

(3) permits from the director of the department of natural resources for a structure, obstruction, deposit, or excavation in a floodway under IC 14-28-1.

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Sec. 3. In establishing the program required under section 2 of this chapter, the agencies shall do the following:

(1) Determine:

(A) how to inform a person who proposes to perform wetland work of the need to seek a permit for the wetland work; and

(B) how to ensure that a person proposing to perform wetland work is informed of every permit the person needs in order to do the wetland work.

(2) Change the:

(A) application forms; and

(B) application processes;

used by the agencies for purposes of permits as necessary to ensure that a person proposing to perform wetland work is not required to provide the same information separately to both agencies.

(3) Determine how one (1) agency will serve as the single point of contact for applicants for purposes of:

(A) distributing and receiving permit applications;

(B) obtaining information needed to complete the processing of permit applications; and

(C) issuing permits.

(4) Create an internal process to ensure that the appropriate office within each agency receives and timely reviews each permit application.

(5) Ensure that the processing of each permit application is monitored."

Page 3, delete lines 1 through 19.

(Reference is to HB 1217 as printed January 24, 2014.)

LEHE



COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred House Bill No. 1217, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB 1217 as printed January 28, 2014.)

Committee Vote: Yeas 9, Nays 0

Senator Charbonneau, Chairperson

